cation of this rule will not be defeated by the fact that the estate could not be got in within the year, or that the court had ordered the payment to be delayed beyond that time. *Martin* v. *Martin*, 6 Watts (Pa.) 67; *Bonham* v. *Bonham*, 38 N. J. Eq. 419. It will apply although the estate consists largely of reversionary interests. *In re Blachford*, 27 Ch. D. 676. An intent on the part of the testator that it should not apply has been inferred where the payment of interest on preferred legacies from that date would prevent the payment of other legacies. *Wheeler* v. *Ruthven*, 74 N. Y. 428. But this case must be limited to its special facts. *Matter of Rutherfurd*, 196 N. Y. 311, 89 N. E. 820. Very clear evidence of a contrary intent is necessary to prevent the operation of the general rule. See 2 ILL. L. REV. 440. It has been held, however, against the principal case, that where a legacy is payable out of a reversion it carries interest only from the time that the reversion falls in. *Earle* v. *Bellingham*, 24 Beav. 448; *Gibbon* v. *Chaytor*, [1907] 1 I. R. 65. See 2 JARMAN, WILLS, 6 ed., 1108.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — ACTION AGAINST WITNESS AND PARTY INDUCING HIM TO TESTIFY FALSELY. — A wife sued her husband for a divorce and upon a claim for money. The husband procured a witness to testify falsely that the wife had committed adultery with her attorney, whereby the divorce suit and money claim were lost. The attorney, who had been assigned a part interest in the money claim, sued the witness and the husband in an action of tort. *Held*, that he has a cause of action against neither. *Schaub* v. *O'Ferrall*, 81 Atl. 789 (Md.).

The witness is protected from actions of slander by his absolute immunity while testifying. *Seaman* v. *Netherclift*, 2 C. P. D. 53; *Hunckel* v. *Voneiff*, 69 Md. 179, 14 Atl. 500. The same policy promoting free testimony bars all actions against him for perjury. *Damport* v. *Sympson*, Cro. Eliz. 520; *Dunlap* v. *Glidden*, 31 Me. 435. But his co-defendant has intentionally harmed the plaintiff without excuse and has not the protection of the witness stand. One inducing another to do harm is not relieved by the fact that the other has a defense. *Hoosac Tunnel Dock & Elevator Co.* v. *O'Brien*, 137 Mass. 424; *Emery* v. *Hapgood*, 7 Gray (Mass.) 55. See *The Bernina*, 12 P. D. 58, 83. Where the witness slanders a stranger to the suit, the instigator is liable. *Rice* v. *Coolidge*, 121 Mass. 393. But to limit litigation, a party to the suit cannot sue for subornation of perjury where the false testimony was made in connection with an issue raised therein. *Smith* v. *Lewis*, 3 Johns. (N. Y.) 157; *Taylor* v. *Bidwell*, 65 Cal. 489, 4 Pac. 491. An attorney is neither party nor privy. But the attorney here was partial assignee. Where statutes allow the real party in interest to sue, he may join with the assignor. *Fireman's Fund Ins. Co.* v. *Oregon R. & Navigation Co.*, 45 Or. 53, 76 Pac. 1075; *Earnest* v. *Barrett*, 6 Ind. App. 371, 33 N. E. 635. But *cf. Otis* v. *Adams*, 56 N. J. L. 38, 27 Atl. 1092. Without such statute, he is in substance a co-owner of the claim and should be concluded by the judgment against the assignor. His proper remedy is a bill in equity to set it aside. See 1 BLACK, JUDGMENTS, 2 ed., § 317. But see 6 POMEROY, EQUITY JURISPRUDENCE, § 656.

MANDAMUS — PROCEEDINGS — PREMATURE COMMENCEMENT. — The defendant railroads were ordered by a commission to make track connections within ninety days. They manifested a determination to disobey the order. Three days later application was made for a writ of *mandamus*. *Held*, that the action is not premature. *State ex rel. Dawson* v. *Chicago, B. & Q. R. Co.*, 118 Pac. 872 (Kan.).

The general rule is that *mandamus* will issue only upon actual default in a duty owed by the defendant at the time of the application for the writ. *State ex rel. Board of Education* v. *Hunter*, 111 Wis. 582, 87 N. W. 485. It is said